

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH WAYNE,
Plaintiff,

v.

DAVIDO, *et al.*,
Defendants.

Case No. C07-5098FDB

ORDER GRANTING UNITED
STATES MOTION TO DISMISS and
REMANDING REMAINDER OF
CAUSE OF ACTION

This matter in which Plaintiff, who is not a lawyer, filed suit in Thurston County Superior Court to quiet title to a property that he claims is owned by the Church of God and Apostles, was timely removed by the United States. The United States now moves for dismissal of this cause of action arguing that (1) because Plaintiff claims he does not own the property at issue and he is not an attorney, he, therefore, cannot represent others; (2) the Complaint does not allege an applicable waiver of sovereign immunity and, therefore, fails to state a claim upon which relief can be granted; and (3) assuming that Plaintiff is seeking relief from tax liens on his interests, his claims are barred by the Declaratory Judgment Act and the Anti-Injunction Act. Plaintiff has not responded to the motion.


Having considered the United States' motion, and having reviewed the record herein, the

1 Court concludes that the United States' motion is well taken and it will be granted. This court is
2 without jurisdiction as to the remainder of the case, which will be remanded.

3 NOW, THEREFORE, IT IS ORDERED:

- 4 1. The United States' Motion To Dismiss [Dkt. # 11] is GRANTED and Plaintiff's
5 cause of action against the United States of America is DISMISSED WITH
6 PREJUDICE;
- 7 2. The remainder of this cause of action is REMANDED to Thurston County Superior
8 Court.

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10 DATED this 2nd day of May, 2007.

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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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